

TRIBAL CODE

CHAPTER 35:

RELEASE OF ADOPTION RECORDS

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CHAPTER 35:

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35.101 Purpose.

The purpose of this Chapter is to provide procedures which will safeguard and promote the best interests of each adoptee and will protect the rights of all parties concerned. If conflicts arise between the rights of the adoptee and the rights of another, the rights of the adoptee shall be paramount.

35.102 Jurisdiction.

The Sault Ste. Marie Tribe of Chippewa Indians Tribal Court shall have jurisdiction in all cases arising from this Chapter.

35.103 Definitions.

For the purpose of this Chapter, certain terms are defined in this subchapter. When not inconsistent with the context, words used in the singular number include the plural number, words in the plural number include the singular number, and words in the masculine gender include the feminine gender. The word "shall" is always mandatory and not merely directory. As used in this Chapter:

(1) "Adoptee" means the person who is to be adopted, regardless of whether the person is a child or an adult.

(2) "Agency" means the Binogii Agency of the Sault Ste. Marie Tribe of Chippewa Indians.

(3) "Court" means the Sault Ste. Marie Tribe of Chippewa Indians Tribal Court.

(4) "Department" means the Anishnabek Community and Family Services Department of the Sault Ste. Marie Tribe of Chippewa Indians.

35.104 Nonidentifying Information.

Nonidentifying information shall be maintained by the agency, department or Court. The following nonidentifying information shall be maintained, if obtainable:

- (1) Date and place of birth of the adoptee which only includes the county and state.
- (2) Medical history of the adoptee and biological parents.
- (3) Ethnicity of the biological parents.
- (4) Status of termination- voluntary or court ordered.
- (5) Religious background of biological parents.
- (6) Age and sex of siblings of the adoptee known at the time of the adoption.
- (7) Educational level of biological parents.
- (8) Any supplemental nonidentifying background information which the agency, department or Court considers appropriate.

35.105 Identifying Information.

The following identifying information shall be maintained, if obtainable, by the agency, department or Court:

- (1) Name of the child before placement in adoption.
- (2) Names of biological parents at the time of termination of parental rights.
- (3) The most recent address or addresses of the biological parents.

35.106 Consents for Release of Information.

(1) The Court shall inform each biological parent at the time of termination of parental rights pursuant to this Code that the biological parent may file a denial of release of the identifying information specified in §35.105 with the department at any time and that the denial may be revoked at any time. The department shall develop a form for biological parents to deny or revoke a denial of release of identifying information and shall make the form available to the Court.

(2) The department shall develop a form for adult adoptees and biological siblings to consent to a release of identifying information and shall make the form available to the Court.

35.107 Request for Information.

Once a request for information from the file has been received by the department, a subsequent statement submitted by a biological parent or adult biological sibling consenting to the release of identifying information or revoking a previous denial to release of identifying information, shall be transmitted to the Court upon receipt.

35.108 Release of Nonidentifying Information.

All of the nonidentifying information required by §35.104 of this Chapter shall be made available in writing to the adoptive parents at the time of placement and thereafter within 60 days after receipt of a request for information, and shall be made available to an adult adoptee within 60 days after receipt of a request for information.

35.109 Release of Identifying Information.

Within 60 days after a request for identifying information from an adoptee who is not less than 18 years of age for information, the Court shall release the identifying information from §35.105 of this Chapter and any other identifying information on file with the agency or department in the following manner:

(1) All information on both biological parents shall be released to the adult, if both biological parents have on file with the department a statement consenting to release of identifying information or a revocation of a denial to consent to release of identifying information.

(2) Information pertaining to one of the biological parents shall be released to the adult adoptee if that biological parent has on file with the department a statement consenting to release of identifying information or a revocation of a denial to consent to release of identifying information.

(3) Information pertaining to one of the biological parents shall be released to the adult adoptee if that parent is deceased.

(4) All information on both biological parents shall be released to the adult adoptee, if both biological parents are deceased.

35.110 Denial to Release of Identifying Information.

If the identifying information cannot be released pursuant to this Chapter, the reason why the

information cannot be released must be given within 60 days of a request for information.

35.111 Release of Information as a Result of Lifethreatening Medical Condition.

If the agency, department or Court receives written information concerning a physician-verified medical or genetic condition of a person biologically related to an adoptee and a request that the information be transmitted to the adoptee because of the serious threat it poses to the adoptee's life, the Court shall send a written copy of the information by first-class mail within 7 days after the request is received to the adoptee at his or her last known address. If the adoptee is less than 18 years of age, the information shall be sent by first-class mail within 7 days after the request is received to the adoptive parents at their last known address. If the letter is returned undelivered, the Court shall make a reasonable effort to find the most recent address of the adoptee or minor adoptee's parents and shall again send the information by first-class mail within 21 days after receiving the returned letter.

35.112 Release of Information as a Result of Nonlifethreatening Medical Condition.

If the agency, department or Court receives written information concerning a physician-verified medical or genetic condition of a person biologically related to an adoptee, and the condition is not lifethreatening to the adoptee, the agency, department and Court shall place the information in its adoption files. The information shall be released with all other information after receiving a request for information.

35.113 Release of Information as a Result of Lifethreatening Condition to Adoptee.

If the agency, department or Court receives written information concerning a physician-verified medical or genetic condition that threatens the life of an adoptee and for which a biologically related person could give life-saving aid, and receives a request from or on behalf of the adoptee that the information be released, the Court shall send a written copy of the information by first-class mail within 7 days after the request is received to the biological parents or adult biological siblings of the adoptee at their last known address. If the letter is returned undelivered the Court shall make a reasonable effort to find the most recent address of the biological parents or adult biological siblings and shall again send the information within 21 days after receiving the returned letter.

35.114 Support Group Information.

Once the identifying information is released, the agency, department or Court shall provide for counseling or shall provide a list of adoption support groups to that person.

35.115 Criminal Penalties.

(1) An employee or agent of the agency, department or Court who intentionally destroys information required to be maintained under this Chapter shall be guilty of a misdemeanor.

(2) An employee or agent of the agency, department or Court who intentionally releases identifying information is in violation of this Chapter and shall be guilty of a misdemeanor.

35.116 Court Fees.

A Court fee of \$60 or the actual cost of supplying the information, whichever is less, may be imposed for supplying the information under this Chapter. The Court may waive a part or all of the fee in case of indigency or hardship.